

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Elizabeth V. Fleming,)	
)	Case No. 2:13-cv-3001-RMG
Plaintiff,)	
)	ORDER
)	
vs.)	
)	
United States of America,)	
)	
Defendant.)	
)	

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that the Court dismiss this action with prejudice for lack of prosecution. (Dkt. No. 39). Plaintiff did not file objections. For the reasons set forth below, the Court ADOPTS the R & R as the Order of the Court.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1) (2012). Here, however, because no objection has been made, this Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge’s analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

Despite warnings from the Magistrate Judge advising Plaintiff that this action would be subject to dismissal if she failed to respond to the Defendant's dispositive motion (Dkt. Nos. 36, 39), Plaintiff has failed to respond. Accordingly, the Court agrees with the Magistrate Judge that Plaintiff has satisfied all the criteria for dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors set forth in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982).

Therefore, the District Court **ADOPTS** the Magistrate Judge's R & R, (Dkt. No. 39), as the Order of this Court. Accordingly, this action is **DISMISSED** with prejudice pursuant to Fed. R. Civ. P. 41(b).

AND IT IS SO ORDERED

A handwritten signature in black ink, appearing to read 'RM Gergel', is written over a horizontal line.

Richard Mark Gergel
United States District Court Judge

December 11, 2014
Charleston, South Carolina